(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No.108/2007

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Applicant		Indramani Pandey, widow of Late Shri Prakash Pandey, aged about 41 years, resident of village and Post – Raghunathpur, District, Sauguja (CG)
		Versus
Non-applicants	1.	Prashant Pandey, aged about 45 years, son of Late Pooranchandra Pandey
	2.	Prabhat Pandey, son of Late Pooranchandra Pandey, aged about 40 years,
		Both resident of – Bramhanpara, Ambikapur, Distt. Sarguja (CG)

Civil Revision under Section 115 of the Civil Procedure Code, 1908.

Present:-
Shri Vinay Pandey, counsel for the applicant.

ORAL ORDER
(Passed on 17th September, 2007)

Heard on I.A. No.1 for condonation of delay.

(2) Brief facts are that the applicant had filed a succession case No.20/1998 under Section 372 of the Indian Succession Act, 1925 for grant of succession certificate before the Civil Judge, Class-I, Ambikapur. By order dated 31.1.2002 the trial Court ordered that the applicant and the two sons of the deceased Prakash Pandey namely Prashant Pandey and Prabhat Pandey were entitled to equal share in the monies left by the deceased. Prashant Pandey and Prabhat Pandey preferred a miscellaneous civil appeal No.22/2002. By order dated 17.5.2003, the VIth Additional District Judge, (FTC) Ambikapur held that the applicant Indramani Pandey was not entitled to any share in the monies left by the deceased since it was not established that she was the legally married wife of the deceased Prakash Pandey. Aggrieved by the said order, Indramani Pandey preferred second appeal No.395/2003 within limitation. On 17.1.2007, learned counsel for the

appellant Indramani Pandey withdrew the appeal with liberty to file civil revision. Reserving the liberty as prayed for, the second appeal was dismissed as withdrawn.

(3) The present revision is filed on 11.09.2007 and is thus grossly barred by limitation.

(4) The sole argument advanced by the learned counsel for the applicant is that since the applicant was inadvertently pursuing a remedy before a wrong forum, the delay in filing this revision may be condoned.

(5) However, even if the argument advanced by the learned counsel for the applicant is to be accepted, the revision is grossly barred by limitation. No cause much less sufficient has been assigned for the inordinate delay in the application for condonation of delay in filing this civil revision. The application for condonation of delay is therefore liable to be dismissed and is accordingly dismissed. As a result this civil revision also stands dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya